



#33  
Ex(3) 4  
overd H

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Oscar Johannes Maria GODDIJN, et al  
Serial No.: 08/779,460 Group No.: 1638  
Filed: January 7, 1997 Examiner.: David T. Fox  
For: ENHANCED ACCUMULATION OF TREHALOSE IN PLANTS

Attorney Docket No.: U 011098-6

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JAN 23 2003  
TECH CENTER 1600/2900

AMENDMENT

In response to the Official Action of July 12, 2002, please amend the application as follows:

IN THE CLAIMS:

Please amend the following claims.

Claim 35 (twice amended) In a process for producing trehalose in plant cells, plants or parts thereof, wherein the plants naturally synthesize trehalose or are genetically altered to synthesize trehalose so as to contain a gene coding for a trehalose synthesizing enzyme, said plants naturally comprising an endogenous trehalase activity, the improvement comprising:

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: January 13, 2003

CLIFFORD J. MASS  
(Type or print name of person mailing paper)

(Signature of person mailing paper)

01/17/2003 JAD001 00000040 08779460

01 FC:1253  
02 FC:1202

930.00 0P  
72.00 0P



1638  
79

Practitioner's Docket No. U 011098-6

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Oscar Johannes Maria GODDIJN, et al

Serial No.: 08/779,460

Group No.: 1638

Filed: January 7, 1997

Examiner: David T. Fox

For: ENHANCED ACCUMULATION OF TREHALOSE IN PLANTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JAN 23 2003  
TECH CENTER 1600/2900

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- a small entity. A statement:
  - is attached.
  - was already filed.
- other than a small entity.

---

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: January 13, 2003

FACSIMILE

- transmitted by facsimile to the Patent and Trademark Office.

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings, and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a)  Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension <u>months</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 410.00	\$ 205.00
<input checked="" type="checkbox"/>	three months	\$ 930.00	\$ 465.00
<input type="checkbox"/>	four months	\$ 1,450.00	\$ 725.00

Fee: \$ 930

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of  
\$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now  
requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

(b)  Applicant believes that no extension of term is required. However, this is a  
conditional petition being made to provide for the possibility that applicant has  
inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

						SMALL ENTITY		OTHER THAN A SMALL ENTITY	
(Col. 1)		(Col. 2)		(Col. 3)					
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Addit. Fee	OR	Addit. Fee	
Total	*	Minus	**	=	x \$ 9=	\$		x \$ 18=	\$
Indep.	*	Minus	***	=	x \$ 42=	\$		x \$ 84=	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claims					+ \$140=	\$		+ \$280=	\$
					Total Addit. Fee	\$ ____	OR	Total Addit. Fee	\$ ____

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3.  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).*

*(complete (c) or (d), as applicable)*

(c)  No additional fee for claims is required.

**OR**

(d)  Total additional fee for claims required \$ 72.

## FEE PAYMENT

5.  Attached are checks in the sum of \$ 930 and \$ 72.  
 Charge Account No. 12-0425 the sum of \$ \_\_\_\_\_.  
 A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6.  If any additional extension and/or fee is required, charge Account No. 12-0425.

### AND/OR

If any additional fee for claims is required, charge Account No. 12-0425

**SIGNATURE OF PRACTITIONER**

CLIFFORD J. MASS

*(type or print name of practitioner)*

Reg. No. 30,086

Tel. No. 212-708-1890

P.O. Address

Customer No. 00140

c/o Ladas & Parry  
26 West 61 Street  
New York, N.Y. 10023